IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1574 of 2007

Ramji Ravji Vaghiya (Patel) Petitioner
Vs.
Vasant Ravji Vaghiya (Patel)
and anr. Respondents

Ms.Saloni Desai i/b M.P.Vashi & Associates for petitioner.

Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 24, 2007.

P.C.

. Heard the learned counsel for the petitioner who had approached the Court of the learned Metropolitan Magistrate at Andheri with a criminal complaint. Initially an order was passed under Section 202 of Cr.P.C. directing the police officer to submit a report and when the report was placed before the learned Metropolitan Magistrate, the complaint was dismissed under Section 203 of Cr.P.C. This order came to be challenged in Criminal Revision Application No.528 of 2007 and the said revision application has also been dismissed by the Sessions Court.

. The dispute between the complainant and the

accused, who are full blood brothers, is about sharing of the property or the proceeds thereof and the petitioner contends that his brother has not given him the due share. Thus both the Courts below are right in their concurrent findings that the dispute between the parties is predominantly of civil nature and, therefore, there was no case made out to issue process in the complaint filed by the present petitioner. No interference is called for.

. Hence the petition is rejected.

(B.H.MARL